

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) No. 03 MDL 1570 (GBD/SN)
)

RESPONSE TO COURT ORDER ON DOCKET ENTRIES

The Plaintiffs' Executive Committees and the Defendants' Executive Committee submit this response to the Court's Order (ECF No. 6909), which expressed the Court's view that certain parties identified on "the MDL caption" are duplicative. Because the parties were unable to reach agreement, the parties are submitting this joint submission which includes the parties' respective positions.

The Plaintiffs' Position:

Following a review of the Court's order and the proposed remedies, the Plaintiffs find that they need additional information before being able to address the Court's inquiry. Accordingly, as framed, the plaintiffs object to each paragraph of the Order.

Because the MDL is comprised of multiple cases with various captions, the Court's reference to "the MDL caption," has made it difficult to determine from which complaints or case captions the Court's Order has drawn. Without that information the Plaintiffs cannot make the assessments necessary to confirm that the proposed actions would not prejudice a particular plaintiff. In addition, without knowing about which caption the Court is inquiring, the PECs cannot direct the inquiry to particular plaintiffs' counsel, who may have specific interest in maintaining a party's particular identification. If the Court is able to provide those details, we would be most appreciative; otherwise, we will attempt to determine from which cases the

references were drawn.

Additionally, the Plaintiffs think it likely that certain of the entries identified as duplicative are not, in fact, duplicative. For example, in the case of the Sudan, the Court proposes to “terminate” a number of entries listing various agencies and instrumentalities of the Republic of the Sudan. First, it is unclear what the legal consequence is of “terminating” an entry. Second, because there may be specific legal reasons for plaintiffs to name certain agencies or instrumentalities of the Sudan, and erasing those names from the caption may have unintended legal consequences, the Court should not do so for the sake of docketing efficiency, and particularly not without affording the plaintiffs’ counsel with an opportunity to address the specific reference in the specific caption.

Once the Plaintiffs can examine each of the references within the context of the various captions about which the Court has inquired, the Plaintiffs will be better positioned to respond to the Court’s inquiry.

The Defendants’ Position:

The Defendants’ Executive Committee, on behalf of the represented defendants, is submitting this response to the Court’s Order (ECF 6909) regarding certain duplicate entries of parties in the docket of the MDL caption. The Defendants are in agreement that the duplicate entries identified in List A and List B of the Order should be terminated, and see no need for any further information on the Court’s part. The Defendants’ Executive Committee also notes that the two operative complaints against Sudan (see ECF Nos. 6537, 6539) name the Republic of the Sudan, not any alleged agencies or instrumentalities, as the defendant. The Defendants appreciate the efforts the Court has made to identify these duplicate entries.

Respectfully submitted,

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DATED: August 2, 2021